

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Tookie Brown,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 4:12-cv-03360-TLW
)	
Cecilia R. Reynolds, Warden,)	
)	
Respondent.)	
)	

ORDER

The Petitioner, Tookie Brown (“Petitioner”), appearing pro se, brought this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 27, 2012. (Doc. #1). Respondent filed a Motion for Summary Judgment on April 5, 2013. (Doc. #22). Petitioner filed a Response in Opposition to Respondent’s motion on May 10, 2013. (Doc. #26).

This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed on October 24, 2013 (Doc. #29) by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) (DSC). In the Report, the Magistrate Judge recommends that Respondent’s Motion for Summary Judgment be granted and the Petitioner’s Petition for Writ of Habeas Corpus be denied as barred by the statute of limitations. (Doc. #29 at 10).

The Report and Recommendation was mailed to the Petitioner at the mailing address Petitioner provided to the Court, and that mail was not returned. Petitioner failed to file Objections to the Report recommending dismissal of the above-captioned action. The deadline for Plaintiffs to file objections expired on November 12, 2013. (See Doc. #29).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation and all other relevant filings in this matter. After careful consideration, it is hereby **ORDERED** that the Report and Recommendation (Doc. #29) is **ACCEPTED**. Accordingly, **IT IS HEREBY ORDERED** that Respondent's Motion for Summary Judgment (Doc. #22) is **GRANTED**. For the reasons articulated by the Magistrate Judge, Petitioner's § 2254 Petition is **DENIED** and the above-captioned case **DISMISSED** with prejudice.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

March 6, 2013
Columbia, South Carolina